

the  $\beta$  phase of the polymer. The  $\beta$  phase is the most common phase of the polymer and is the one that is most studied. The  $\beta$  phase is the one that is most stable and is the one that is most common in nature. The  $\beta$  phase is the one that is most stable and is the one that is most common in nature. The  $\beta$  phase is the one that is most stable and is the one that is most common in nature.

MAY 23 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

5/22/03

Dear Ms. Dortch:

In each of these meetings, representatives of the Writers Guild of America; Victoria Riskin, President, David Rintels, Member WGA, Cynthia Tripodi, Managing Director and Robert Hadl, Consultant explained their concern about media consolidation. The Writers Guild of America, west opposes pending rule changes that would negatively impact American entertainment, 8,500 Guild members and the entire production marketplace. The Guild opposes the lifting of cable ownership caps and the Dual Network Rule that restricts one company from owning two national networks. The Guild supports the adoption of a rule to protect the interests of the American people by requiring diversity and open competition in the television marketplace.

- Since 1992 the number of prime time shows produced by the major networks increased from 15% to 77%.
- Of the 230 cable programs services cited by the FCC as an example of diversity, only 91 reach enough homes to be considered “major” network and a full 80% of are owned by 6 corporate entities; Viacom, Disney, News Corporation, General Electric, AOL Time Warner.

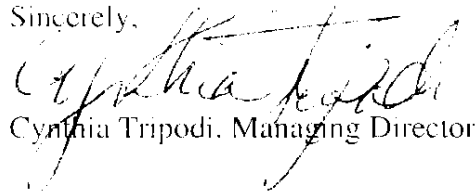
- Different political, ethnic and cultural views are significantly diminished as the number of producers, each with a unique point of view, disappears.
- Thousands of jobs have been lost in the entertainment industry as small and medium size entrepreneurs are squeezed out of business by consolidation.

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List A B C D E

- Fewer programming choices for children could be a result of further media deregulation according to prominent public health and media research organizations.

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), a copy of this letter is being filed electronically today. Also attached are documents reviewed during the meetings. If you have any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cynthia Tripodi".

Cynthia Tripodi, Managing Director



Writers Guild of America, west, Inc.

7000 WEST THIRD STREET, LOS ANGELES, CA 90048 WEBSITE: WWW.WGA.ORG

## NEWS RELEASE

CONTACT:

Cory D. Ricken  
PH 323.782.4574  
Bill Mankel  
PH 202.354.8275

FOR IMMEDIATE RELEASE

### A “Who’s Who” of Hollywood Writers & Producers Work for TV Quality and Access

*Diane English, Norman Lear, Grant Tinker, Larry Gelbart, David W. Rinefs, John Gay,  
Allan Burns Urge Congress To Oppose Media Consolidation*

**Hollywood:** As the Federal Communications Commission moves toward a decision on media ownership and consolidation rules, leading American television writers and producers are pressing U.S. Senators to recognize the critical need to preserve the future of high-quality independent programming in American television. In letters to Senators John McCain and Ernest Hollings, more than 7 award-winning writers and producers recounted personal experiences, warned of the effects of continued media consolidation, and urged steps by Congress and the FCC to protect diversity in television and the access independent productions need to networks and cable channels.

The letters were authored by Norman Lear, Grant Tinker, David W. Rinefs, John Gay, Greg Strangis, Allan Burns, Larry Gelbart, and Diane English -- giants in the American creative community, each responsible for some of the most influential and successful television shows in American history.

Since the 1996 Telecommunications Act, the FCC has overseen a dramatic consolidation in the media. Today, five powerful media companies (AOL, Time-Warner, Disney, Viacom and General Electric, News Corporation) control nearly 90% of the media outlets that Americans watch. The media conglomerates, as they grow, shut their doors to the independent creative community -- the leaders and innovators of American television.

The FCC's pending decision will likely lift cable ownership caps and the Dual Network Rule that restricts one company from owning two national networks. The Writers Guild of America, west and the nation's creative community oppose further deregulation that erode the opportunities for independent writers and producers.

“The independent creative entrepreneurs who for years supplied the networks with the best of American programming are in jeopardy,” wrote Grant Tinker, former Chair and CEO of NBC as well as President and Founder of MIM Enterprises that created *The Mary Tyler Moore Show*, *The Bob Newhart Show*, *WKRP in Cincinnati*, *The White Shadow*, *Hill Street Blues*, and *St. Elsewhere* among others.

Many in television's creative community have seen a shift in media leadership over the past years that focuses on profits, not quality of product and overall entertainment value.

Three-time Emmy Award winner David W. Rintels wrote, "I and other writers and producers now live and work in a business where a few enormously powerful companies control virtually every aspect of the work – not just who gets to write and produce the programs, but the subjects and the treatment, and who can direct and who can act, who can photograph and who can write the music. It is true both in network and on cable television."

The changes in modern television ownership are particularly disturbing to writers and producers who created programming classics in the 1970s and 1980s.

Norman Lear, creator of *All In The Family*, *The Jeffersons*, *Good Times*, *Maude*, among others, wrote: "We built these companies in the seventies and eighties under the watchful eye of an FCC that was committed to keeping the playing field even, protecting against the vertical integration of the major broadcasting networks that would, if they had been allowed, have forced independent companies such as ours to take a minority interest in the very shows we had created, giving majority ownership to the network in order to get on the air."

Allan Burns, producer and writer of *Mary Tyler Moore*, *Rhoda*, and *Lou Grant* among others concurred, "As one who was fortunate to work in an era unfettered by network and corporate ownership of the shows seen by American audiences, I am saddened to see what has become of the medium I was privileged to work in has become, depriving American television audiences of the quality and rich diversity of programming they expect and deserve."

Dianne English, creator of *Murphy Brown* expressed concern that if a writer / producer sells a concept to a network, they insist the program be developed "in house" with the network's production company. Along with this increased network control, comes requests and suggestions in the program's creative concepts, script and cast.

For *Murphy Brown*, English noted the network made several creative suggestions that would have undermined the program, "We no longer win our creative battles and television suffers for it. Here are but a few of the suggestions CBS made to me in 1988 when we were creating *Murphy Brown*: Murphy should be 30; she should be played by Heather Locklear; she should not be a recovering alcoholic but rather 'stressed out' and just returning from a spa; and most of the political humor that was the hallmark of the show should be eliminated because the viewer would be 'expected to read the newspaper to get the jokes.'"

The Writers Guild of America, west (WGA) represents 9,000 writers -- many of whom wrote those outstanding programs but are now being literally driven out of business. The Guild opposes pending rule changes at the Federal Communications Commission to unleash another round of mergers that would negatively impact American entertainment. The Guild opposes the lifting of cable ownership caps and the Dual Network Rule that restricts one company from owning two national networks. The Guild supports the adoption of a rule to protect the interests of the American people by requiring diversity and open access to the television marketplace.

Copies of these letters are available on the Writers Guild of America, west website, [www.wga.org/](http://www.wga.org/)



May 1, 2003

Senator John McCain  
Chair, Senate Commerce, Science and Transportation Committee  
Senator Ernest Hollings  
Ranking Member  
Room SR-255  
Washington, DC 20510

Dear Senators:

I am the writer and producer who created the television show "Murphy Brown". From 1988 until 1998 my show enjoyed a decade-long run during which it was nominated for 62 EMMY awards, won 20, was awarded a Peabody Award, a Golden Globe, several Writers Guild awards, several Humanitas prizes, and multiple Television Critics Association awards. This program, among the many others I have created, was produced by my independent production company, Shukovsky English Entertainment (SEE) in association with Warner Bros. Television, for CBS. This program was born prior to the Telecommunications Act of 1996. I would like to explain to you how a program such as this would not survive in today's deregulated climate.

We sold our pilot concept to CBS in late 1987. We described a Washington-based comedy, smart, politically satirical, starring a forty-year old anchorwoman who had just been released from the Betty Ford Center. After turning in my first draft, the network began to have concerns about 1) the age of the woman, 2) the "smartness of the references" i.e. Camus, Margaret Mead, Indira Gandhi, 3) the idea that the woman was a flawed recovering alcoholic. After the usual round of passionate pleadings on behalf of creativity, the network allowed me to write it my way. Why? Because if they didn't, we were free to take the script to another network -- and no network wants to see a show they'd rejected become a hit elsewhere. ("Cosby", having been rejected at ABC and picked up at NBC, is the perfect example). During the casting process, CBS initially rejected Candice Bergen as the lead, and argued with me on most of the rest of the cast. But eventually they relented. At that time the producer/writer had a serious place at the table. Networks were run and/or owned by individuals -- Bill Paley, Leonard Goldenson, Barry Diller, Grant Tinker -- and they had respect for the creative people. They also knew we had the power to walk across the street.

Today, in a post fyn-syn world, it's completely different. Networks are now a single cog in a huge wheel. They talk about "branding" instead of instinct. Bill Paley used to put a show on the air because he liked it and trusted his gut. No one's allowed to have a gut



anymore - only a calculator to figure out the bottom line. Today, if you sell a concept to a network, they either insist you set it up "in house" with their own production company, or they extort ownership in whole or in part by telling you that your show will not make the schedule under any other circumstances. When the network is also the producer, the creative people are reduced to employee status, and we're treated that way. We no longer win our creative battles and television suffers for it. Here are but a few of the suggestions CBS made to me in 1988 when we were creating "Murphy Brown": Murphy should be 30; she should be played by Heather Locklear; she should not be a recovering alcoholic but rather "stressed out" and just returning from a spa; and most of the political humor that was the hallmark of the show should be eliminated because the viewer would be "expected to read the newspaper to get the jokes". In 1988 CBS let me do it my way because I could take the show across the street if I wasn't happy. In 2003, forget it. They own it and you're stuck. By the way, CBS made a small fortune on "Murphy Brown" because it became a top ten show for most of the years it was on and it was an advertiser favorite.

There's another problem with networks owning shows. They never used to think about syndication - the pot of gold at the end of the rainbow. They cared about ratings and that's how they made their money - from ad dollars. But now the lure of winning the syndication lottery has skewed their choice of programs. It's a fact that comedies that appeal to men syndicate more successfully than those with more female appeal. Take a look at CBS's Monday night line-up. It used to be the home of "Designing Women", "Murphy Brown", "Cybill", "Love & War", "Cagney and Lacey" and many others that provided a good ratings alternative to Monday Night Football. But none of these shows ever made the syndication money of a "Seinfeld" or "Everybody Loves Raymond". So, once CBS was allowed to own its own shows, it systematically began to change the Monday comedy line-up from female skewing to male skewing. Now Monday is "King of Queens", "Yes, Dear", "Raymond", and "Still Standing". Some of these shows are good. But consider this: Each one features a goofy, overweight man married to size 2 beautiful woman who is beleaguered by household chores or her menial job. We've gone back to the fifties! As a producer who was one of the most influential female voices in the creative community, I wonder what our daughters think when they watch these shows. Where are the role models? Where is Mary Tyler Moore or That Girl? Where is Roseanne? And while we're at it, where are the production companies that made these shows? Witt Thomas Harris ("The Golden Girls"), gone. Mozark ("Designing Women"), gone. The Carsey Werner Company ("Roseanne"), a third of their size and trying to hang on. Shukovsky English Entertainment, gone. Gone from the airwaves. We were independents. We were mavericks. We made cutting edge television. We made classics. We cannot survive in the business as employees of a monster media company that has no interest in passion or creativity or individuality - only the bottom line.



I left series television in 1998 after the Fox Broadcasting Network told us it wouldn't put our pilot on the air unless we laid it off at the sister company, Twentieth Century Fox, for a deal far less than the deal we'd made on "Murphy Brown" ten years earlier. Pure extortion. And it happens at every network, day after day.

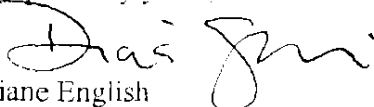
It pains me to see what has happened to network television. Free television. Why should we have to pay to see a show that doesn't insult the intelligence of the viewer? Where are all these so-called choices that the FCC promised. Just because there's a cooking channel and a fishing channel, does that replace an "ER" or a "Friends" – shows that were born prior to 1996?

Recently, I spoke with the FCC commissioners individually, including Chairman Powell. I must say, I was taken aback by how little understanding the commissioners have of my business and how it works. One of the commissioners asked why I couldn't take one of my smart shows and sell it to PBS. I didn't think I'd have to explain how little funding PBS has, how it is struggling to stay alive, how it is forced to import most of its programs rather than make original shows because it's cheaper.

The networks complain that they can't compete in today's marketplace. So do the airlines. But no one's rushing to bail them out. We ask the airlines to look at their business practices and fix their problems. Why, then, are we bailing out the networks instead of asking them to address their wastefulness and creative bankruptcy? You know that when Barry Diller and Grant Tinker – who both ran networks – come down squarely in favor of reinstating regulations – the reality of complete deregulation is unhealthy all around.

Consider this current snapshot of the television industry today: Independent producers have no access. Competition has been utterly crushed. There is no diversity of ideas or point of view as I illustrated with my CBS Monday Night example. Four entities control it all – Disney, Viacom, Newscorp, and Time Warner. How could that possibly be good? The public airwaves are like a forest being cut down, an endangered species being eliminated, a beautiful river being polluted. The public needs real advocates now. I'm counting on you to lead the charge and I will do anything to help.

Respectfully yours,

  
Diane English

NORMAN LEAR

May 5, 2003

Dear Senator John McCain,

I have had the privilege of creating, writing and producing television comedy for over forty years. The shows I have been associated with include, *All In The Family*, *Sanford and Son*, *The Jeffersons*, *Good Times*, *Maude*, and *Mary Hartman, Mary Hartman*. In addition, thanks to the American free enterprise system, my partners and I were able to build independent television producing and distributing companies such as Tandem, TAT, and Embassy. We built these companies in the seventies and eighties under the watchful eye of an FCC that was committed to keeping the playing field even, protecting against the vertical integration of the major broadcasting networks that would, if they had been allowed, have forced independent companies such as ours to take a minority interest in the very shows we had created, giving majority ownership to the network in order to get on the air.

I would suggest that what we independents were threatened with then is antithetical to everything we hold dear at the very core of capitalism. When the 1996 Telecommunications Act was enacted, many thought that, with the hundreds of channels that would be needing product, a diverse competitive marketplace would result. Because of the consolidation of media, however, only six major multinational conglomerates now control broadcasting cable television - - and, the way Chairman Powell is going, if unchecked, those six within ten years will become four or three. How can such an alarming shift in ownership result in anything other than a less open and creative atmosphere?



NORMAN LEAR

Your committee is in a position to influence rulings by the FCC that will have a profound impact on the culture our children and grandchildren will grow up in. To the extent that it can, I implore your committee to direct FCC policy to encourage the kind of competition that will provide the diversity of ideas and viewpoints necessary for their survival in the new century; not the kind of competition that FCC Chairman Powell talks about when he suggests - -- cynically, I believe - - that this kind of conglomeration would be a good thing.

Please call me if I can help in any way to further a discussion on this.

Sincerely,  
Norman Lear

NL/mp

Honorable John McCain  
U. S. Senate  
Washington, DC 20510

## Grant Tinker

May 2, 2003

Senator John McCain  
Chair, Senate Commerce, Science and Transportation Committee  
Senator Ernest Hollings  
Ranking Member  
Room SR-255  
Washington, DC 20510

Dear Senators:

For over thirty years, I was fortunate to have a career in television that was personally and professionally rewarding. I not only headed of my own production company, but was Chair of the Board and CEO of NBC Network in the mid-80s. As founder and President of MTM Enterprises, formed with my wife Mary Tyler Moore in 1970, we produced *The Mary Tyler Moore Show* and two spin-off hit series, *Rhoda* and *Phyllis*, as well as other successful comedies like *The Bob Newhart Show* and *WKRP in Cincinnati* and dramas like *Lou Grant*, *The White Shadow*, *Remington Steele*, *Hill Street Blues* and *St. Elsewhere*. Working in television was always an honor and a privilege and creatively satisfying.

Therefore, it is out of deep concern for the medium with the near extinction of independent production companies in television that I write to you. The independent creative entrepreneurs who for years supplied the networks with the best of American programming are in jeopardy.

With the 1996 Telecommunications Act it was hoped that hundreds of channels would provide thousands of programs from different sources and thus create a robust and competitive marketplace. Sadly, that has not happened. Because of media consolidation, six major conglomerates now control the vast majority of the landscape in broadcast and cable television. As Tom Wolzien, a respected media analyst for Sanford Bernstein says, "we are seeing the reemergence of a strong media oligopoly." With the change in the Financial Interest and Syndication Rules and with consolidation, hundreds of small and medium-sized companies, companies like mine, who produce television series and movies have disappeared as networks increasingly insist that they will produce their programming themselves. Whereas 10 years ago, 85% of the programs on television were created and produced by entities independent of the networks, today only 15% to 20% are produced by companies independent of the Big Six. This dramatic shift has resulted in a less creative and open marketplace for writers, producers and directors of television programs, and less good television for the country.

I am hoping that the Senate Commerce Committee, under your leadership, will encourage the FCC to develop policies directed at maintaining a diversity of viewpoints from different sources, to encouraging competition and small businesses. I ask that you

encourage the FCC to promulgate a new primetime access rule that would require the networks to obtain a significant percentage of their programming from companies that they do not own and control and with which they are not affiliated. The FCC should ensure that independent programming is maintained and protected on television so that in the future the American public can continue to get the best shows that the creative community can produce.

Thank you for your consideration.

Sincerely,

Grant Tinker

NBC Radio program department, 1949-54; TV department, McCann-Erickson advertising agency, 1954-58; Benton and Bowles advertising agency, 1958-61; Vice President of Programs, West Coast, NBC, 1961-66; Vice President in Charge of Programming, West Coast, NBC, New York City, 1966-67; Vice President, Universal TV, 1968-69; Vice President, 20<sup>th</sup> Century Fox, 1969-70; President, Mary Tyler Moore (MTM) Enterprises, Inc., 1970-81; Chair of the Board and Chief Executive Officer, NBC, Burbank, California, 1981-86; Independent Producer, Burbank, since 1986; President, GTG Entertainment, Culver City, California, since 1986.

## LARRY GELBART

May 1, 2003

Senator John McCain  
Chair, Senate Commerce, Science and Transportation Committee  
Senator Ernest Hollings  
Ranking Member  
Room SR-255  
Washington, DC 20510

Dear Senators:

For the past 55 years, I have been a writer-producer in television and have enjoyed a career that has been personally and professionally rewarding. In that time, I created a number of series, most notably, I suppose the television version of M\*A\*S\*H. Like most members of the Writers Guild of America, I have loved long cherished the opportunity to contribute to a medium that has been important in American culture. It has been an honor and a privilege and until recently, creatively satisfying.

Unfortunately, the ability of the independent creative entrepreneurs to dream up, write and produce the kinds of programs that have been the bedrock of American television is in peril.

The Telecommunications Act of 1996 gave everyone the idea that there would be hundreds of channels that would provide thousands of programs from many different sources and thus create a diverse and competitive marketplace. Sadly, that has not happened. Because of media consolidation, six major conglomerates now control the vast majority of the landscape in broadcast and cable television. Six, only six. As Tom Wolzien, a respected media analyst for Sanford Bernstein says, "We are seeing the reemergence of a strong media oligopoly." With consolidation, hundreds of small and medium-sized companies who produce television series and movies have disappeared as networks increasingly insist that they will produce their programming themselves. Whereas 10 years ago, 85% of the programs on television were created and produced by entities independent of the networks, today only 15% to 20% are produced by companies independent of the Big Six. This dramatic shift has resulted in a less creative and open marketplace for writers, producers and directors of television programs, and less good television for the country.

I am concerned about what will happen to America's creative community and to quality independent programming if the FCC allows further consolidation of media. I believe that FCC policy should be directed to maintaining a diversity of

viewpoints from different sources, to encouraging competition and small businesses. I ask that you encourage the FCC to promulgate a new access rule that would require the networks to obtain a significant percentage of their programming from companies that they do not own and control and with which they are not affiliated. The FCC should ensure that independent programming is maintained and protected on television so that in the future the American public can continue to get the best shows that the creative community can produce.

Sincerely,

Larry Gelbart

Television Credits:

The Red Buttons Show  
The Bob Hope Show  
The Danny Kaye Show  
(Sid) Caesar's Hour  
M\*A\*S\*H  
United States  
Mastergate  
Barbarians at the Gate  
Weapons of Mass Distraction  
And Starring Pancho Villa as Himself

DAVID W. RINTELS

Senator John McCain  
Chair, Senate Commerce, Science and Transportation Committee  
Senator Ernest Hollings  
Ranking Member  
Room SR-255  
Washington, DC 20510

Dear Senators McCain and Hollings,

I have been privileged to work as a writer and producer in television for more than forty years, mostly in Miniseries and Movies-for-Television. I wrote the play CLARENCE DARROW, which Henry Fonda did on NBC-TV, and also wrote such programs as the miniseries NUREMBERG starring Alec Baldwin and SAKHAROV starring Jason Robards. I both wrote and produced GIDEON'S TRUMPET, starring Henry Fonda and John Houseman, WORLD WAR II: WHEN LIONS ROARED, starring Michael Caine, Bob Hoskins and John Lithgow, THE LAST BEST YEAR with Mary Tyler Moore, and THE MEMBER OF THE WEDDING and ANDERSONVILLE, among many other programs.

What all these programs have in common is that they were written and produced through independent companies, either the one I own with my wife or the independent companies of others. And what they also have in common, alas, is that many writers and producers now recognize that it is hard and indeed almost impossible to do this kind of work in television any more because independent companies, and the spirit which infused and sustained them, have virtually been driven from the scene.

I and other writers and producers now live and work in a business where a few enormously powerful companies control virtually every aspect of the work -- not just who gets to write and produce the programs, but the subjects and the treatment, and who can direct and who can act, who can photograph and who can write the music. It is true both in network and on cable television.

Access and diversity of ideas and diversity of sources in television are virtually as extinct as the dinosaur; they have been replaced with programs which are largely aimed not at the quality which was television's past but only at ratings and profits for the powerful companies. It distresses me greatly, not only because I and my colleagues in the independent world loved being able to do our best work but because we all felt we were trying to give the American people the opportunity to see drama and history and entertainment of quality. Now, as I am sure you know from watching television, the American people have far less opportunity to see good programming, let alone see the best we are capable of doing.

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PHONE: 310-454-0383 • FAX: 310-459-8767

We feel this change for the worse is due to the deregulation of television and the ensuing consolidation that has taken place. Huge companies have taken over the media and driven the independents out of business. And as bad as the situation has become, with all the consequences for viewers, it threatens to become worse on June 2, 2003, when the Federal Communication Commission announces new rules on what all indications point to as further deregulation, inevitably setting in motion more consolidation and less diversity.

I and my colleagues urge you to use your influence with the FCC to require them to include in their new rules provisions which mandate that these huge media companies obtain a significant portion of their programming from independent companies. It is the only way we can envision in which we have a chance to bring to the viewers the best programs we are capable of doing.

Sincerely,

David W. Rintels

Winner of three Emmy Awards, five Christopher Awards, two Peabody Awards (one shared), the Drama Desk Award, D.W. Griffith Award, three Writers Guild of America Outstanding Script of the Year Awards, the Producers Guild of America Producer of the Year Award, the WGA Paddy Chayefsky Lifetime Achievement in Television Award, etc.

Senator John McCain,  
Senate Commerce and Transportation Committee  
Senator Ernest Hollings  
Ranking Member  
Room SR-255  
Washington, DC 20510

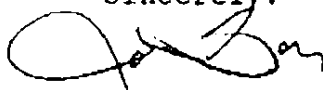
Dear Senators,

As George Bernard Shaw once said, "There are two tragedies in life. One is not to get your hearts desire. The other is to get it." We got our wish in 1996 with the telecommunications act which we thought would provide more programs from many more sources and a competitive marketplace. It didn't happen. What happened was a media consolidation. A half dozen conglomerates have now replaced what was once hundreds of companies producing television series and movies. I've written thirty-six movies and six mini-series for many companies through the years under creative and productive working conditions. Those conditions no longer exist with almost four fifths of the companies I worked for no longer independent of the networks.

What happens now? Will the FCC allow the consolidation to continue? Will the network conglomerates take over completely? Will we no longer have a diversity of many independent creative minds offering the best that we can bring to the public?

I urge you to recommend the networks secure a large percentage of their programming from companies which are not controlled by the networks. I urge you not to let independent programming disappear. Perhaps, then, we'll get our hearts desire and keep it.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John Gay', with a stylized, flowing script.

JOHN GAY

#### CREDITS

In addition to eleven feature films, the television films include "Fatal Vision", "Things In Their Season". "Blind Faith" and adaptations of classics such as "Hunchback of Notre Dame" with Anthony Hopkins and "Ivanhoe" with James Mason. Recipient of an Academy Award nomination, an Emmy nomination, four Writers Guild nominations, two Christopher awards, the Writers Guild Laurel award for television writing achievement.



## ALLAN BURNS

April 28, 2003

Senator John McCain  
Chair, Senate Commerce, Science and Transportation Committee  
Senator Ernest Hollings.  
Ranking Member  
Room SR-255  
Washington, DC 20510

Dear Senators McCain and Hollings:

As a producer and writer of comedy and drama for close to forty years, I was fortunate enough to have created television series that have received many accolades and awards, among them "The Mary Tyler Moore Show", "Rhoda" and "Lou Grant". At the time my partner and I were producing these programs, television was enjoying one of its most productive, competitive and exciting eras, with programs like "All in the Family", "Barney Miller", "Maude", "The Bob Newhart Show", "Roots", "Hill Street Blues", "St. Elsewhere", "Get Smart", "Cagney and Lacey" and "The Waltons" vying for attention -- and accolades. What these shows had in common, other than excellence, was the fact that they were all produced by independent companies, companies that, due to vertical integration, no longer exist, having been absorbed by conglomerates. I have always felt that the very independence of producers such as, among others, Herbert Brodtkin, Sheldon Leonard, MTM Enterprises, Lorimar, Tandem, Four D, Witt-Thomas, Wolper, Talent Associates and Carsey/Werner (producers of "Cosby" and "Rosanne" and, sadly, the only company still independent) was the reason for their success, free of the corporate bottom-line attitudes and network meddling that has unfortunately led to the homogenization of today's television fare. As one who was privileged to work in an era unfettered by network and corporate ownership of the shows seen by American audiences, I am saddened to see what has become of the medium I was privileged to work in has become, depriving American television audiences of the quality and rich diversity of programming they expect and deserve.

When the 1996 Telecommunications Act was enacted, many thought that, with the hundreds of channels that would be needing product, a diverse, competitive marketplace would result. However, because of the consolidation of media, only six major multinational conglomerates now control broadcast and cable television. Hundreds of small and mid-sized production companies, such as those listed above, have virtually disappeared from the television landscape. Networks now demand to be allowed in as partners with television producers, not only in series, but in movies of the week, the producers of which have literally been driven from the business by these practices. There was a time not all that long ago when at least 85% of the programming on the networks and cable was produced by these independent producers. Now the number is infinitesimal. This alarming shift in ownership has resulted in a less open and creative atmosphere, resulting in much of the disappointing programming one sees today.

If the FCC continues to allow further consolidation of the media, the result will be the continued erosion of the creative excellence audiences have every right to expect. The Senate committee could have a great influence on FCC policy by directing them to encourage the kind of competition from smaller production entities that used to provide the diversity of ideas and viewpoints represented by the

companies I mentioned earlier. You could accomplish this by urging the FCC to put forth a new primetime access rule that would require networks to buy a significant portion of their programming from independent sources, thereby reintroducing the spirit of creative competition that is sadly missing from American television today. Your support of the creative communities in New York and Hollywood is essential to provide audiences with the best programming possible.

Sincerely,

Allan Burns

Creator/producer of "The Mary Tyler Moore Show", "Rhoda", "Lou Grant", six-time Emmy Award winner, two-time Peabody Award winner, winner of the Writers Guild of America Laurel Award for Lifetime Achievement in Television.

FROM THE DESK OF:

## Greg Strangis

Senator John McCain  
Chair, Senate Commerce, Science and Transportation Committee  
Senator Ernest Hollings  
Ranking Member  
Room SR-255  
Washington, DC 20510

**RE: Media Consolidation**

Dear Senators:

For over 30 years, I have been a writer-producer in television and have enjoyed a career that has been personally and professionally rewarding. I created the *War of the Worlds* and *Soldier of Fortune* series, and wrote and/or produced many others, including *Eight Is Enough*, *Falcon Crest* and *JAG*. As an independent producer, I produced and deficit-financed a number of Movies for Television including *The Jill Ireland Story* and *The Sinking of the Rainbow Warrior*.

Like most members of the Writers Guild of America, I have loved working in television and I have cherished the opportunity to contribute to a medium that has been important in American culture. It has been an honor and a privilege and, until recently, creatively satisfying.

Unfortunately, the ability of independent creative entrepreneurs to write and produce the kinds of programs that have been the bedrock of American television is in peril.

At the time of the Telecommunications Act of 1996, everyone thought there would be hundreds of channels that would provide thousands of programs from many different sources and thus create a diverse and competitive marketplace. That has not happened. Because of media consolidation, six major conglomerates now control the vast majority of the landscape in broadcast and cable television. As Tom Wolzien, a respected media analyst for Sanford Bernstein says, "we are seeing the reemergence of a strong media oligopoly."

With consolidation, hundreds of small and medium-sized companies who produce television series and movies have disappeared as networks increasingly insist that they will produce their own programming. Whereas a decade ago, 85% of the programs on television were created and produced by entities independent of the networks, today a mere 15% to 20% are produced by

companies independent of the Big Six. This dramatic shift has resulted in a less creative and open marketplace for writers, producers and directors of television programs. It has contributed to the diminution of quality programming. One might even say it has broken the public trust.

I am concerned about what will happen to America's creative community and to quality independent programming if the FCC allows further consolidation of media. I believe that FCC policy should be directed to maintaining a diversity of viewpoints from different sources, to encouraging competition and small businesses. I ask that you encourage the FCC to promulgate a new access rule that would require the networks to obtain a significant percentage of their programming from companies that they do not own and control and with which they are not affiliated. The FCC should ensure that independent programming is maintained and protected on television so that in the future the American public can continue to get the best shows that the creative community can produce.

Looking beyond consolidation's impact on entertainment programming, we must also consider its effect on news and information programming. Additional media consolidation threatens to mute opposing political voices in a manner never before contemplated. Particularly in a climate of campaign finance reform, those out of power or out of favor may well find themselves unfairly silenced. Control of the public airwaves is a gift. When the pursuit of profits is in direct conflict with the public interest, I believe the public should win.

Thank you for your consideration.

Sincerely,

Greg Strangis

Victoria Riskin, President  
Writers Guild of America, west

U.S. Senate Committee on Commerce, Science & Transportation  
Full Committee Hearing: Media Ownership  
May 13, 2003

Thank you Senator McCain and Senator Hollings, and Members and staff of the Senate Commerce Committee, for conducting these hearings. I appreciate the opportunity to submit this testimony for the record on behalf of the Writers Guild of America, west.

Senators, the Writers Guild is deeply concerned that the Federal Communications Commission is preparing to issue rules that will further deregulate the media and accelerate the negative effects of consolidation.

The media are the modern-day American Town Square, the place where people from different backgrounds and points of view share their stories and the American public learns about the world. Here is where American democracy comes alive and the American identity is forged. But today, barriers have been erected to keep all but a handful of voices from being heard in our town square.

The Federal Communications Commission and the Courts asked for data about diversity in entertainment programming. As president of the Writers Guild of America, west, which represents the great majority of writers and producers who create primetime entertainment programs, I can tell you that over the past decade, diversity of production sources in the marketplace has been eroded to the point of near extinction. In 1992, only 15 percent of new series were produced for a network by a company it controlled. Last year, the percentage of shows produced by controlled companies more than quintupled to seventy-seven percent. In 1992, 16 new series were produced independently of conglomerate control; last year there was one.

The opportunity for access for a broad range of voices has been cut dramatically.

The claim has been made that because we now have hundreds of channels on cable, "choices abound." But more channels does not really mean more choices. In the past the FCC has defined a "major" network as one that reaches 16 million or more homes. By that definition there are ninety-one major networks. But of these ninety-one, 73, or fully eighty percent, are owned or co-owned by 6 corporate entities. Five of these 6 are the same corporations that run the broadcast networks: Viacom, Disney, News Corporation, General Electric, and AOL Time Warner.

Any doubt about the control exercised by these five companies was dispelled in a recent report by respected Wall Street media analyst Tom Wolzien, which I have attached to my

comments. Wolzien points out that a "strong programming oligopoly is beginning to re-emerge." For December, 2002, he found that the five conglomerates "controlled about a 75% share of prime-time viewing." Wolzien concludes that over the next few years, with the further consolidations he expects to occur, these five companies will control roughly "the same percentage of TV households in prime time as the three networks did 40 years ago."

In other words, the control by a few conglomerates will be as absolute as ever in history.

The data we submitted to the Federal Communications Commission as part of our official filing clearly documents the dominance of content by a handful of vertically integrated conglomerates; that is now corroborated by an independent analyst. No longer can anyone argue that the facts of such control or their potential impact are in doubt. The old programming oligopoly of media content is being rebuilt.

The creative community has seen in recent years how increasingly difficult it is to bring innovative shows to the air. All too often -- indeed, virtually invariably -- to get their work on television writers and producers must cede ownership and creative control to the network or cable companies. Most have no choice, none at all. They must accept the network or cable company as a partner and surrender their independence, with one result that if their show doesn't make the schedule, they are now prohibited from taking it elsewhere. Nearly one hundred small and medium-sized businesses - each with its unique point of view - have disappeared in the last ten years. Why is the disappearance of the small independent producer and writer an issue for public concern? Because with them have gone stories from hundreds of writers and producers who care deeply about original drama and comedy, history, culture, and not just, for example, ratings, ratings, all the time ratings.

Members of the Commerce Committee have recently received letters from some of the most respected and famous independent writers and producers in Hollywood, including Grant Tinker, Diane English, Allan Burns and others, expressing their concern about the chilling control media conglomerates now have over entertainment programming and how this is impacting quality television. In fact, all the creative Guilds of the Hollywood community including the Producers Guild, the Directors Guild and, the Screen Actors Guild have warned the FCC in the strongest terms possible about the negative impact of media concentration and have called upon the FCC to establish limits on how much programming the conglomerates can produce for their own networks. In a letter to the Commissioners, Senators Wyden and Collins this week called upon the FCC to consider a new access rule that would be vital to the protection of the diversity of voices on television.

The Writers Guild urges the FCC to adopt rules governing media ownership that expand access and diversity, not limit it to these few gigantic companies. We ask you to encourage the FCC to take constructive action to remedy the serious imbalance that has taken root in the programming marketplace. We are asking that a few companies do not continue to have a stranglehold on free expression and robust open debate, and that

independent voices are once again allowed to be heard in the land. Openness will help ensure program source diversity not for any given group of entrepreneurs or writers but for the marketplace of ideas and for Democracy itself. We ask that storytellers from all backgrounds be once again allowed independent access to America's town square. We ask these things because we believe that diverse programming from distinct and varied sources is the very definition of the public interest.

## Introduction and Summary

The marketplace for independently produced television programming in the United States has changed dramatically in the past decade. The small, entrepreneurial businessmen and women who created classic weekly television programs such as "Mary Tyler Moore", "All in the Family", "The Cosby Show" and television movies such as "The Autobiography of Miss Jane Pittman", and miniseries such as "Roots" have almost entirely shut their doors or are now resigned to working as employees of the major networks. The consolidation and vertical integration of the large corporate media giants has created a barren landscape in program production that mirrors the "vast wasteland" predicted in the 1960's. The data to support this massive concentration of programming sources is clear. In 1992, only 15% of new prime time series were produced by the major networks. By 2002 that number has increased over five times to 77%. Similarly, when viewed with respect to all prime time series (both new and returning), in 1992 only 25% of all such series were produced by the major networks. By 2002 that number has increased more than two and a half times to 69%.

It is not sufficient to counter this clear evidence of broadcast television program concentration by pointing to the number of outlets now available for distribution of programming by cable television networks. While the Commission suggests that there are 230 cable program services available to viewers, it fails to note that only 91 of these services reach at least 16 million cable homes. And of those 91 services, almost 80% (73 such networks) are owned or co-owned by only six companies. More significantly, five of these six companies are the very same



BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In the matter of:

MB Docket 02-277: 2002 Biennial Regulatory Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; and

MM Docket 01-235: Cross-Ownership of Broadcast Stations and Newspapers; and

MM Docket 01-317: Rules Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; and

MM Docket 00-244: Definition of Radio Markets

JOINT COMMENTS OF  
WRITERS GUILD OF AMERICA, WEST,  
PRODUCERS GUILD OF AMERICA,  
SHUKOVSKY ENGLISH PRODUCTIONS,  
JOHN WELLS PRODUCTIONS,  
BUNGALOW 78 ENTERTAINMENT,  
OH SHOOT PRODUCTIONS,  
GIDEON PRODUCTIONS, AND  
UBU PRODUCTIONS

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